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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/005,527 01/09/98 CHOATE

D P3988

PM11/0512

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EXAMINER
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RIVERA, W ART UNIT	PAPER NUMBER
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3653

DATE MAILED:

05/12/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/005,527

Applicant(s)

Choate

Examiner  
William A. Rivera

Group Art Unit  
3653



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-21 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-21 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

## DETAILED ACTION

### *Drawings*

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Specification*

As applicant has not filed the specification using the original columns from the patent, applicant is required a statement that the specification and the abstract are true and accurate representations of the specification and abstract of the patent.

### *Claim Objections*

Claim 19 is objected to because in line 12, "and in the opposite cord end retaining means" is not included even though this language is part of original patent claim 19. If the language is to be included as part of the claim, it should be added by applicant in accordance with 37 CFR § 1.121(b)(2)(i)(A) **with no underlining** since it is part of the original patent claim. If the language is to be deleted the claim must be reproduced with the deleted language enclosed in square brackets in accordance with 37 CFR § 1.121(b)(2)(i)(C). Also in claim 19, line 16, "on" should be --one--. This misspelling should be corrected.

Claim 21 is objected to as it is not a patent claim and therefore must be **totally** underlined. See 37 CFR § 1.121(b)(2)(i)(C).

***Reissue Applications***

This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The consent of the assignee must be in compliance with 37 CFR 1.172. See MPEP § 1410.01.

A proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 is required in reply to this Office action.

This application is objected to under 37 CFR 1.172(a) as the assignee has not established its ownership interest in the patent for which reissue is being requested. An assignee must establish its ownership interest in order to support the consent to a reissue application required by 37 CFR 1.172(a). The assignee's ownership interest is established by:

(a) filing in the reissue application evidence of a chain of title from the original owner to the assignee, or

(b) specifying in the record of the reissue application where such evidence is recorded in the Office (e.g., reel and frame number, etc.).

The submission with respect to (a) and (b) to establish ownership must be signed by a party authorized to act on behalf of the assignee. See MPEP § 1410.01.

An appropriate paper satisfying the requirements of 37 CFR 3.73 must be submitted in reply to this Office action.

The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414. Merely stating that applicant claimed "...certain elements in more

specific detail than was necessary” does not specify in sufficient detail the “at least one error being relied upon.”

In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

***Claim Rejections - Defective Reissue Declaration***

Claims 1-21 are rejected as being based upon a defective declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

***Claim Rejections - 35 U.S.C. § 112***

Claims 19-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 19, line 26, insert --the-- before “axle”; line 36, delete the parentheses around “e”; line 40, “axle extensions” should be --axle extension means-- to maintain proper antecedent basis and “the axle support means” lacks proper antecedent basis.

In Claim 20, line 9, “the axle support means” lacks proper antecedent basis.

In Claim 21, line 24, "first and second extensions" should be --first and second axle extension means--.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is (703) 308-2684. The examiner can normally be reached Monday through Thursday from 6:30 AM to 3:45 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Walsh, can be reached on (703) 306-4173.

Telephone status inquiries regarding this application should be directed to (703) 308-1113. Facsimile correspondence for this application should be sent to (703) 305-3597 or (703) 305-7687.

  
DONALD P. WALSH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

W. A. R.  
May 11, 1999

